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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tania C. Sorrell et al.

Serial No. : 10/081,838 Examiner: Lori A. Clow, Ph.D.

Filed : February 21, 2002 Art Unit: 1631

For : MAGNETIC RESONANCE SPECTROSCOPY TO IDENTIFY
AND CLASSIFY MICROORGANISMS

1185 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
July 19, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

COMMUNICATION IN RESPONSE TO JUNE 22, 2004 OFFICE ACTION

This Communication is submitted in response to the Office Action issued by the U.S. Patent and Trademark Office on June 22, 2004 in connection with the above-identified application. A response to the Office Action is due on July 22, 2004. Accordingly, this response is being timely filed.

In the June 22, 2004 Office Action, the Examiner stated that two species of the invention are being claimed, namely Species A to bacteria and Species B to fungi.

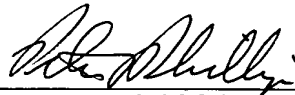
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Page 2

In response to the Office Action, applicants elect the invention of Species A, i.e., claims 6-9, 17, 18, 24-27, 35, 36, 42-45, 53, and 54. Applicant believes that the generic claims are allowable, and urges allowance of the generic claims, and the claims to both species. Applicant reserves the right to present claims directed to Species B in the event that the generic claims are not allowed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 03-3125.

Respectfully submitted,



Peter J. Phillips
Registration No. 29,691
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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